rotationally advancing and supporting the object during the extended period of decoration. The decorating unit includes a preheater for heating the heat-transfer label assembly before the period of decoration, a generally flat, heated contact plate which is adapted to pivot so as to continuously urge the heat-transfer label into contact with the object throughout the extended period of decoration and a transport assembly for advancing the heat-transfer label assembly from the preheater to the heated contact plate. The heated contact plate includes a rubber layer constructed of an 80 durometer silicone and a 0.10 inches thick, TEFLON fiberglass cloth covering mounted on the rubber layer.

Claims 1, 12, and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,188,696 to K.W. Good, Jr. (hereinafter Good) in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

> Good, Jr. discloses a labeling machine with a decorating unit in the form of a contact plate (61) which urges the label into contact with the article. (See Figure 13.) The object is supported on station (22) during transfer.
>
> The platen in Good, Jr. is not heated.
>
> Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) Also in Wochner is a preheater (19,24).
>
> It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Good, Jr. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Good, Jr. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Good, Jr. as taught by Wochner.
>
> Regarding claims 12-14, in addition to the heated platens, Wochner discloses preheaters located before the pressure plates (22, 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the preheaters into Good, Jr. along with the press plate heaters. The

combination of the two would ensure that the adhesive is heated sufficiently for label transfer.

Regarding claims 18-21, the platen in Good, Jr. is adapted to pivot.

This rejection is respectfully traversed.

With respect to claims 1 and 12, applicant claims a decorating unit for applying a label onto an object, the decorating unit comprising, inter alia, a heated contact plate which includes an elongated, flat contact surface, the heated contact plate being adapted to pivot during label transfer so that the elongated, flat contact surface of the heated contact plate continuously urges the heat-transfer label into contact with the object. As will be described further in detail below, taking Good in view of Wochner does not render applicant's claimed invention unpatentable.

As a first point, applicant claims a decorating unit comprising, inter alia, a heated contact plate which includes an elongated, flat contact surface, the heated contact plate being adapted to pivot during label transfer so that the elongated, flat contact surface urges the heat-transfer label into contact with the object. Applicant respectfully disagrees with the Examiner's contention that the guide bar (61) in Good includes an elongated, flat contact surface that urges a heat-transfer label into contact with an object. The guide bar (61) in Good does not serve to urge a label into contact with an article. Rather, the guide bar (61) in Good serves merely to cause the label carried by the web to break away from the web. *See* col. 3, lines 62-68 of Good.

As a second point, the guide bar (61) in Good is not heated, which was noted by the Examiner on page 2 of the second Office action. Wochner discloses a labeling station (20) which includes a roller (21) carried by a heated platen (22) for pressing a label bearing strip against a bottle. *See* col. 3, lines 32-35 of Wochner. The Examiner contends in the second Office action that, "Wochner discloses a labeling system where press platens (22, 28) are heated." Applicant

respectfully disagrees with the Examiner's contention that Wochner discloses a labeling system where press platens are heated. To the contrary, applicant respectfully contends that the heated platens (22, 28) in Wochner are not press platens which serve to urge, or press, a heat-transfer label into contact with an object. Rather, it is the function of the rubber rollers (21, 27) in Wochner, and not heated platens (22, 28), to press the heat-transfer label into contact with the object. *See* col. 3, lines 33-34 and col. 4, lines 37-42 of Wochner. Because heated platens (22, 28) in Wochner do not serve to press a heat-transfer label into contact with an object, applicant respectfully disagrees with the Examiner's suggestion that it would have been obvious to one having ordinary skill in the art at the time the invention was made "to use a heated plate, like the one disclosed in Wochner, in the device of Good, Jr. specifically when using heat transferable labels." Furthermore, applicant wishes to note that a decorating unit for applying a heat-transfer label onto an object which comprises a contact plate which is both heated and adapted to pivot, as in applicant's claimed invention, enables the decorating unit to transfer the label onto the object through the application of heated contact over a long label transfer contact period which, in turn, improves the overall quality of the label transfer, which is a principal object of the present invention. *See* page 23, lines 5-13 of the subject patent application.

With respect to claim 18, as amended herewith, applicant claims a decorating unit for applying a label onto an object, the decorating unit comprising, inter alia, a heated contact plate which includes a pivot point along its length about which the contact plate is adapted to pivot during label transfer. The platen (61) in Good does not include a pivot point along its length about which the platen is adapted to pivot during label transfer. Rather, movement of platen (61) is accomplished about pivot points (e.g., 37) which are not located along its length. *See* Figs. 7-

11 of Good. As can be appreciated, providing a contact plate which can pivot about a point along its length during label transfer allows for a significant increase in the period of label transfer contact without significantly increasing the mechanical complexity of the decorating unit.

With respect to claims 19 and 20, as a first point, applicant contends that claim 19 is in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above, and that claim 20 is in allowable form for being dependent upon claim 12, which applicant believes to be in allowable form for the reasons noted above.

As a second point, applicant respectfully contends that claims 19 and 20 are in allowable form for the reasons noted above in conjunction with the rejection of claim 18.

With respect to claim 21, applicant wishes to note to the Examiner that claim 21 is being canceled herewith.

Withdrawal of the rejection of claims 1, 12 and 18-21 under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner is respectfully urged.

Claims 4, 5, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner as applied to claim 1 and 3 above, and further in view of U.S. Patent No. 6,402,868 to K. Tagawa et al. (hereinafter Tagawa) and U.S. Patent No. 5,650,028 to T.L. Brandt (hereinafter Brandt). In support of the rejection, the Examiner commented,

> Neither Good, Jr. in view of Wochner teach having a rubber layer on the heated applicator, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer, because it is well known that rubber helps to uniformly distribute the heat. This would help ensure the entire label is heated and the adhesive thereon are heated sufficiently. This is discussed in Tagawa. (Col. 4, lines 14-18).
>
> Regarding claims 5 and 15, it is within the purview of one having ordinary skill in the art to use a rubber layer of 80 durometer silicone. The artisan would

see the advantages of using that type of rubber. This is shown in Brandt et al. (Col. 9, lines 26-46.)

This rejection is respectfully traversed.

As a first point, applicant contends that claims 4 and 5 are in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above, and that claim 15 is in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

As a second point, applicant respectfully disagrees with the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer onto the flat contact surface of a heated contact plate based on Good in view of Wochner and further in view of Tagawa. Specifically, Tagawa discloses a method for connecting metals together not for transferring a label onto a container. Due to its use in a completely different application, applicant respectfully contends that Tagawa is non-analogous art and, therefore, it would not be obvious to combine Tagawa with Good and Wochner.

Withdrawal of the rejection of claims 4, 5, and 15 under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner as applied to claims 1 and 3 above, and further in view of Tagawa et al. and Brandt et al. is respectfully urged.

Claims 6-11, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of U.S. Patent No. 5,817,210 to M.W. Morin (hereinafter Morin). In support of the rejection, the Examiner commented,

> Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. does not disclose have a TEFLON fiberglass covering.

Morin teaches using a TEFLON fabric sheet (107), comprised of a 6 mil Teflon, fiberglass fabric whose purpose is to substantially reduce the tendency of the rubber pad (106) to stick to a transfer sheet. (Col. 4, lines 20-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a Teflon sheet, as disclosed in Morin, in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al., because Morin teaches that such a sheet would reduce the tendency of the transfer sheet from sticking to the rubber layer on the peeler bar. The Teflon sheet in Morin is .23 inches, however it is within the purview of one having ordinary skill in the art to use a thinner sheet, because the artisan would know what thickness of Teflon would work in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al.

Regarding claims 7 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the heat contact plate is capable of being heated to 450 degrees F, because it is within the purview of the artisan to know what temperature is needed to heat the adhesive on the label sufficiently to ensure the adhesive adheres to the article.

Regarding claims 8-11, these features are shown in the device of Good, Jr. as seen in Figure 1.

With regard to claims 6-11, applicant contends that claims 6-11 are in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above.

With regard to claims 16 and 17, applicant contends that claims 16 and 17 are in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 6-11, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of Morin is respectfully urged.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,808 to B.C. Ewert et al. (hereinafter Ewert) in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

Ewert et al. discloses a label tamp for applying a label to an object. The contact surface extends almost the entire length of the label tamp.

The platen in Ewert et al. is not heated and a conveyor is not disclosed.

Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) The containers are conveyed to the labeling stations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Ewert et al. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Ewert et al. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Ewert et al. as taught by Wochner. Furthermore, conveyors are commonly used to put articles in the position to be labeled.

Regarding claims 12-14, in addition to the heated platens, Wochner discloses preheaters located before the pressure plates (22, 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the preheaters into Good, Jr. along with the press plate heaters. The combination of the two would ensure that the adhesive is heated sufficiently for label transfer.

Regarding claims 18-21, the platen in Good, Jr. is adapted to pivot.

This rejection is respectfully traversed.

Applicant claims a decorating unit for applying a label onto an object, the decorating unit comprising, inter alia, a heated contact plate which includes a contact surface extending nearly its entire length, the heated contact plate being adapted to pivot during label transfer so that the contact surface of the heated contact plate continuously urges the heat-transfer label into contact with the object. As will be described further in detail below, taking Ewert in view of Wochner does <u>not</u> render applicant's claimed invention unpatentable.

Specifically, applicant claims a decorating unit comprising, inter alia, <u>a heated contact plate which includes a contact surface extending nearly its entire length</u>. Ewert et al. discloses a label tamp (10) which includes a tamp head (30) in the form of a generally rectangular plate.

See col. 7, lines 33-39 of Ewert. However, as noted by the Examiner on page 5 of the second Office Action, the tamp head (30) disclosed in Ewert is not heated.

Wochner discloses a labeling station (20) which includes a roller (21) carried by a heated platen (22) for pressing a label bearing strip against a bottle. *See* col. 3, lines 32-35 of Wochner. The Examiner contends in the second Office action that, "Wochner discloses a labeling system where press platens (22, 28) are heated." Applicant respectfully disagrees with the Examiner's contention that Wochner discloses a labeling system where press platens are heated. To the contrary, applicant respectfully contends that the heated platens (22, 28) in Wochner are not press platens which serve to urge, or press, a heat-transfer label into contact with an object. Rather, it is the function of the rubber rollers (21, 27) in Wochner, and not heated platens (22, 28), to press the heat-transfer label into contact with the object. *See* col. 3, lines 33-34 and col. 4, lines 37-42 of Wochner. Because heated platens (22, 28) in Wochner do not serve to press a heat-transfer label into contact with an object, applicant respectfully disagrees with the Examiner's suggestion that it would have been obvious to one having ordinary skill in the art at the time the invention was made "to use a heated plate, like the one disclosed in Wochner, in the device of Ewert." Furthermore, applicant wishes to note that a decorating unit for applying a heat-transfer label onto an object which comprises a contact plate which is both heated and adapted to pivot, as in applicant's claimed invention, enables the decorating unit to transfer the label onto the object through the application of heated contact over a long label transfer contact period which, in turn, improves the overall quality of the label transfer, which is a principal object of the present invention. *See* page 23, lines 5-13 of the subject patent application.

Withdrawal of the rejection of claim 22 under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. in view of Wochner is respectfully urged.

Allowance of the application with claims 1, 4-12, 15-20, and 22 is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Non-Fee Amendment, Commissioner for Patents, Washington, D. C. 20231 on 1-23-03 .

Daniel S. Kriegsman

MARKED-UP AMENDED CLAIMS 18-20:

18. (Amended) An apparatus for applying the transfer label of a transfer label assembly onto an object, said apparatus comprising:

a. a decorating unit for applying the label onto the object, said decorating unit comprising a contact plate which includes an elongated, flat contact surface, said [heated] contact plate <u>including a pivot point along its length about which the contact plate is</u> [being] adapted to pivot during label transfer so that the elongated, flat contact surface of the [heated] contact plate continuously urges the transfer label into contact with the object; and

b. a conveying mechanism for advancing and supporting the object during label transfer.

19. (Amended) The apparatus of claim 1 wherein the heated contact plate includes a pivot point <u>along its length</u> about which the heated contact plate is capable of pivoting.

20. (Amended) The decorating unit of claim 12 wherein the heated contact plate includes a pivot point <u>along its length</u> about which the heated contact plate is capable of pivoting.